

**SENATE JOURNAL****JANUARY 25, 2006****TENTH DAY****MORNING SESSION**

The Senate was called to order at 10:15 a.m., with President John Valentine presiding.

**Prayer** – Reverend France Davis, Calvary Baptist Church

**Pledge of Allegiance** – Senator Tom Hatch

**Roll Call** – All Senators present except Senator Buttars, excused.

**READING OF TITLES OF BILLS AND RESOLUTIONS**  
**(PLEASE REFER TO DAY 1, PAGE 9)**

**COMMUNICATIONS FROM THE HOUSE**

Mr. President:

January 24, 2006

The House passed, as amended, **H.B. 32**, LIFE INSURANCE AND ANNUITY LAW AMENDMENTS, by Representative J. Dunnigan, et al, and it is transmitted for consideration; and

The House passed **H.B. 34**, INSURANCE REPORTS, TABLES, AND EXAMINATION AMENDMENTS, by Representative J. Dunnigan, et al, and it is transmitted for consideration; and

The House passed **H.B. 36**, NOTICE REQUIREMENTS FOR BUDGET TRANSFERS FROM UTILITY FUNDS, by Representative A. Tilton, et al, and it is transmitted for consideration; and

The House passed **H.B. 37**, PUBLIC ASSISTANCE AMENDMENTS, by Representative S. Allen, et al, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 49**, DEPARTMENT OF TECHNOLOGY SERVICES PERSONNEL TRANSFER – SUPPLEMENTAL APPROPRIATION, by Representative D. Clark, et al, and it is transmitted for consideration; and

The House passed **H.B. 50**, UTAH TECHNOLOGY INDUSTRY COUNCIL REVISIONS, by Representative D. Litvack, et al, and it is transmitted for consideration; and

The House passed **H.B. 52**, SALES AND USE TAX EXEMPTION FOR TRANSPORTATION, by Representative W. Harper, et al, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 82**, EDUCATION INFORMATION TECHNOLOGY SYSTEMS, by Representative K. Holdaway, et al, and it is transmitted for consideration; and

The House passed **H.B. 232**, HIGHER EDUCATION TUITION FOR ACTIVE DUTY MILITARY, by Representative M. Morley, et al, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 32**, **H.B. 34**, **H.B. 36**, **H.B. 37**, **1st Sub. H.B. 49**, **H.B. 50**, **H.B. 52**, **H.B. 82**, and **H.B. 232** were read the first time and referred to the Rules Committee.

### **RULES COMMITTEE REPORTS**

To the Members of the Senate:

January 24, 2006

The Rules Committee recommends assignment of the following bills to standing committees:

#### **Business and Labor Committee**

**S.B. 165** Corporations – Professional Services Amendment  
(Sen. L. Hillyard)

**S.B. 168** Community Association Act Amendments  
(Sen. M. Waddoups)

#### **Government Operations/Political Subdivisions Committee**

**S.B. 74** Privatization of Government Functions Task Force  
(Sen. H. Stephenson)

**S.B. 170** Local Government Land Use and Impact Fee Revisions  
(Sen. L. A. Mansell)

**H.B. 14** Open Meetings Law Amendments (Rep. W. Harper)

#### **Health and Human Services Committee**

**S.B. 94** Amendments to Utah Comprehensive Health Insurance Pool (Sen. G. Davis)

**S.B. 172** Vital Statistics Act Amendments (Sen. T. Hatch)

**S.R. 3** Resolution Urging Participation by Taiwan in World Health Organization (Sen. C. Bramble)

**Judiciary, Law Enforcement, Criminal Justice Committee**

- S.B. 106** Uniform Interstate Enforcement of Domestic Violence Protection Orders Act (Sen. L. Hillyard)
- S.B. 164** Repeal of Ordination by Internet (Sen. G. Davis)
- S.B. 171** Judiciary Amendments (Sen. L. Hillyard)

**Revenue and Taxation Committee**

- S.B. 151** Property Tax – Notice and Hearing Amendments (Sen. G. Bell)
- S.B. 169** Sales and Use Tax – Dental Prostheses (Sen. P. Knudson)

**Transportation/Public Utilities/Technology Committee**

- H.B. 235** Public Safety Vehicles – Marking Lights (Rep. J. Murray)

Michael Waddoups  
Rules Committee Chair

Report filed. On motion of Senator Waddoups, the committee report was adopted.

**STANDING COMMITTEE REPORTS**

Mr. President: January 24, 2006

The Business and Labor Committee recommends **S.B. 69**, PROTECTION OF INFORMATION IN CONSUMER CREDIT DATABASES, by Senator C. Walker, be replaced and favorably recommends **1st Sub. S.B. 69**, PROTECTION OF INFORMATION IN CONSUMER CREDIT DATABASES; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 140**, UNLAWFUL OUTDOOR ADVERTISING AMENDMENTS, by Senator M. Waddoups.

Scott K. Jenkins, Chair

Mr. President: January 24, 2006

The Education Committee reports a favorable recommendation on **S.B. 49**, SCHOOL COMMUNITY COUNCIL AMENDMENTS, by Senator P. Arent, with the following amendments:

1. Page 2, Lines 30 through 33:

30 guardian's initial term of office. "Parent or guardian member" may  
not include a person who

31 meets the definition of a school employee member unless the  
person's employment at the

32 school normally requires an average of less than  
33 {-ten } eighteen hours per week.

33 (b) “School employee member” means a person employed at a  
school by the school or ; and

The Education Committee reports a favorable recommendation on **S.B. 72, HOME SCHOOL AND DUAL ENROLLMENT AMENDMENTS**, by Senator M. Madsen, with the following amendments:

1. Page 1, Lines 15 through 17:

15 ► provides that a minor shall be excused from attendance  
at a public or private school

16 if the minor’s parent files a {~~-form-~~} statement signed by  
the parent with the local board of

17 education stating that the minor will attend a home school;

2. Page 1, Lines 21 through 23:

21 ► provides that a private or home school student may only  
participate in

22 extracurricular activities at the public school within whose  
boundaries the student’s

23 custodial parent or legal guardian resides or a public school  
within the student’s school district of residence which is open for  
enrollment of nonresident students ; and

3. Page 3, Lines 62 through 66:

62 (2) (a) On an annual basis, a school-age minor shall be excused  
from attendance by a

63 local board of education and a parent exempted from application of  
Subsections 53A-11-101(2)

64 and (3), if the minor’s parent files a {~~-form-~~} statement  
signed [affidavit] by the parent with the minor’s

65 school district of residence, as defined in Section 53A-2-201,  
stating that the minor will attend

66 a home school and receive instruction as required by Subsection  
(2)(b).

4. Page 4, Lines 113 through 115:

113 (b) A private or home school student may only participate in extracurricular activities

114 at :

(i) the public school within whose boundaries the student's custodial parent or legal guardian

115 resides ; or

(ii) a public school:

(A) within the home school student's school district of residence:

and

(B) which is open for enrollment of nonresident students pursuant to Section 53A-2-207 or Section 53A-2-213. .

David L. Thomas, Chair

Mr. President:

January 24, 2006

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 127**, VACATING OR CHANGING A SUBDIVISION PLAT, by Senator P. Knudson; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 132**, SURPLUS PROPERTY AMENDMENTS, by Senator P. Knudson; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 29**, TOWNSHIP AMENDMENTS, by Representative L. Christensen; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 43**, SUNSET REVIEW AND REAUTHORIZATIONS, by Representative J. Alexander; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.J.R. 3**, JOINT RULES RESOLUTION – BASE BUDGET PROCESS, by Representative R. Bigelow.

Parley G. Hellewell, Chair

Mr. President:

January 24, 2006

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 61**, UNIFORM MEDIATION ACT, by Senator L. Hillyard; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 149**, PROVIDING FOR INDIGENT DEFENSE, by Senator G. Bell; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 103**, PROHIBITION OF CONTINGENT FEES FOR EXPERT WITNESSES, by Senator D. Thomas, with the following amendments:

1. Page 2, Lines 28 through 52

28        78-24-20. Prohibition of expert witness contingent fees in civil  
actions.

29        (1) As used in this section              { -

30        (a) “Civil action” means an action for damages for injury, death,  
or loss to person or

31        property, including a product liability claim. It does not include a  
civil action for damages for a

32        breach of contract or another agreement between persons.

33        (b) } “Contingent Fee Agreement” means an agreement for  
the provision of testimony or

34        other evidence and related services by an expert witness    in a civil  
action    that specifies:

35        { -(i) }    (a) the payment of compensation to the expert  
witness for the testimony, other

36        evidence, and services is contingent, in whole or in part, upon a  
judgment being rendered in

37        favor of the plaintiff or defendant in a civil action, upon a favorable  
settlement being obtained

38        by the plaintiff or defendant in a civil action, or upon the plaintiff in  
a civil action being

39        awarded in a judgment or settlement damages in at least a specified  
amount; and

40        { -(ii) }    (b) upon satisfaction of the contingency  
described in Subsection (1)(b)(i), the

41 compensation to be paid to the expert witness is in a fixed amount or  
42 an amount to be  
43 determined by a specified formula, including, but not limited to, a  
44 percentage of a judgment  
45 rendered in favor of the plaintiff or a percentage of a favorable  
46 settlement obtained by the  
47 plaintiff.  
48 (2) A plaintiff or defendant in a {~~-tort~~ } civil action  
49 may not engage an expert witness by means  
50 of a contingent fee agreement , unless approval is sought and  
51 received from the court .  
52 (3) { ~~-If a defendant presents testimony or other evidence in a~~  
53 tort action by means of an  
54 expert witness, evidence of a common insurer of liability of the  
55 defendant and the expert  
56 witness or evidence of a potential financial impact of the action on  
57 the amount of liability  
58 insurance premiums paid by the expert witness is inadmissible to  
59 prove bias, interest, or  
60 prejudice of the expert witness unless the party offering the  
61 evidence proves that the probative  
62 value of the evidence outweighs the evidence's potential  
63 prejudicial effect. } An expert witness may be engaged by the  
64 plaintiff or defendant on the contingency that the expert actually qualify  
65 as an expert. Once the witness is qualified as an expert Subsection (2)  
66 applies to his continued participation in the action.

Greg Bell, Acting Chair

On motion of Senator Knudson, the committee reports were adopted. **1st Sub. S.B. 69, S.B. 140, S.B. 49, as amended, S.B. 72, as amended, S.B. 127, S.B. 132, H.B. 29, H.B. 43, H.J.R. 3, S.B. 61, S.B. 149, and S.B. 103, as amended,** were placed on Second Reading Calendar.

## INTRODUCTION OF BILLS

**S.B. 76, Lenders Registration Acts Amendments** (E. Mayne), read the first time by short title and referred to the Rules Committee.

**S.B. 162, Department of Financial Institutions Enforcement of Applicable Law** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

**S.B. 173, Licensure of Programs and Facilities – Criminal Background Check Amendments** (T. Hatch), read the first time by short title and referred to the Rules Committee.

**S.B. 174, In–state Tuition for Members of Utah National Guard** (P. Knudson), read the first time by short title and referred to the Rules Committee.

**S.C.R. 2, Resolution Urging Development of Offshore Energy Resources** (T. Hatch), read the first time by short title and referred to the Rules Committee.

**S.J.R. 9, Resolution Recognizing Right to Participate in Religious Expressions in Public Schools** (P. Hellewell), read the first time by short title and referred to the Rules Committee.

**S.R. 2, Resolution Encouraging Utah Schools to Educate Children Regarding Risks of Sun Exposure** (P. Arent), read the first time by short title and referred to the Rules Committee.

### **THIRD READING CALENDAR**

**S.B. 15, GRAMA APPEALS PROCESS AND DOCUMENT REQUEST AMENDMENTS**, was read the third time.

On motion of Senator Thomas, the bill was circled.

\* \* \*

**S.B. 26, ADMINISTRATIVE RULES REAUTHORIZATION**, was read the third time.

On motion of Senator Evans, the bill was circled.

\* \* \*

**S.B. 47, RESTORATION OF VOTING RIGHTS AMENDMENTS**, was read the third time, explained by Senator Goodfellow, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Arent	Bell	Christensen	Davis
Dmitrich	Eastman	Evans	Fife



Goodfellow	Hale	Hatch	Hellewell
Hillyard	Jenkins	Killpack	Knudson
Madsen	Mansell	Mayne	McCoy
Peterson	Stephenson	Thomas	Waddoups
Walker	Valentine		

**Absent or not voting were:** Senators

Bramble	Buttars	Hickman
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**S.B. 47** was transmitted to the House for consideration.

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On motion of Senator Stephenson, the circle was removed from **S.B. 26**, ADMINISTRATIVE RULES REAUTHORIZATION, and it was before the Senate. Senator Stephenson explained the bill. The bill passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Arent	Bell	Christensen	Davis
Dmitrich	Eastman	Evans	Fife
Goodfellow	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Killpack
Knudson	Madsen	Mansell	Mayne
McCoy	Peterson	Stephenson	Thomas
Waddoups	Walker	Valentine	

**Absent or not voting were:** Senators

Bramble	Buttars
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**S.B. 26** was transmitted to the House for consideration.

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**S.B. 16**, CIVIL ANTITRUST AMENDMENTS, was read the third time.

On motion of Senator Hillyard, **S.B. 16**, CIVIL ANTITRUST AMENDMENTS, will be considered Thursday, January 26, 2005 at 11:00 a.m.

**SECOND READING CALENDAR**

On motion of Senator Waddoups, under suspension of the rules, **H.J.R. 9**, JOINT RULES RESOLUTION – RECODIFICATION AND REVISIONS, was considered read the second and third times and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Arent	Bell	Christensen	Davis
Dmitrich	Eastman	Evans	Fife
Goodfellow	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Killpack
Knudson	Madsen	Mansell	Mayne
McCoy	Peterson	Stephenson	Thomas
Waddoups	Walker	Valentine	

**Absent or not voting were:** Senators

Bramble	Buttars
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**H.J.R. 9** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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**H.B. 33, INSURANCE RELATED INVESTMENT AMENDMENTS**, was read the second time.

On motion of Senator Bramble, the bill was circled.

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On motion of Senator Knudson, under suspension of the rules, the Senate voted to consider Senate bills on the Second Reading Calendar.

\* \* \*

**S.B. 31, SALES AND USE TAX – MANUFACTURING EXEMPTIONS AMENDMENTS**, was read the second time. Senator Stephenson explained the bill. Senators Mayne, Bramble, and Knudson, commented. The bill passed second reading on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Arent	Bell	Bramble	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Killpack
Knudson	Madsen	Mansell	Mayne
McCoy	Peterson	Stephenson	Thomas
Waddoups	Walker	Valentine	

**Absent or not voting were:** Senators

Buttars                      Evans

\* \* \*

On motion of Senator Bramble, the circle was removed from **H.B. 33**, INSURANCE RELATED INVESTMENT AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill. Senator Valentine commented. The bill passed second reading on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.****Voting in the affirmative were:** Senators

Arent	Bell	Bramble	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Killpack
Knudson	Madsen	Mansell	Mayne
McCoy	Peterson	Stephenson	Thomas
Waddoups	Walker	Valentine	

**Absent or not voting were:** Senators

Buttars                      Evans

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**S.B. 32**, MULTI-CHANNEL VIDEO OR AUDIO SERVICE TAX – COUNTY OR MUNICIPALITY FRANCHISE FEE TAX CREDIT, was read the second time. Senator Goodfellow explained the bill. Senators Bramble, Hatch, and McCoy commented. The bill passed second reading on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.****Voting in the affirmative were:** Senators

Arent	Bell	Bramble	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Killpack
Knudson	Madsen	Mansell	Mayne
McCoy	Peterson	Stephenson	Thomas
Waddoups	Walker	Valentine	

**Absent or not voting were:** Senators

Buttars                      Evans

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**S.B. 33, SALES AND USE TAX EXEMPTIONS FOR CERTAIN BUSINESS INPUTS**, was read the second time. Senator Stephenson explained the bill. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Arent	Bell	Bramble	Christensen
Davis	Eastman	Fife	Goodfellow
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Killpack	Madsen
Mansell	Mayne	McCoy	Peterson
Stephenson	Thomas	Waddoups	Walker
Valentine			

**Absent or not voting were:** Senators

Buttars	Dmitrich	Evans	Knudson
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**S.B. 34, GROSS RECEIPTS TAX AMENDMENTS, REPEAL AND PUBLIC UTILITY TARIFFS**, was read the second time.

On motion of Senator Davis, the bill was circled.

\* \* \*

**1st Sub. S.B. 35, LOCAL OPTION SALES AND USE TAX DISTRIBUTION AMENDMENTS**, was read the second time. Senator Bell explained the bill. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 1; Absent, 4.**

**Voting in the affirmative were:** Senators

Arent	Bell	Bramble	Christensen
Davis	Eastman	Fife	Goodfellow
Hale	Hatch	Hellewell	Hickman
Hillyard	Killpack	Madsen	Mansell
Mayne	McCoy	Peterson	Stephenson
Thomas	Waddoups	Walker	Valentine

**Voting in the negative was:** Senator  
Jenkins

**Absent or not voting were: Senators**

Buttars	Dmitrich	Evans	Knudson
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**S.B. 36, SCHOOL DISTRICTS – LIMITED AMENDMENTS TO TRUTH IN TAXATION**, was read the second time.

On motion of Senator Davis, the bill was circled.

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**S.B. 112, CENTERS OF EXCELLENCE AMENDMENTS**, was read the second time. Senator Hatch explained the bill. Senator Hillyard commented. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were: Senators**

Arent	Bell	Bramble	Christensen
Davis	Eastman	Fife	Goodfellow
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Killpack	Madsen
Mansell	Mayne	McCoy	Peterson
Stephenson	Thomas	Waddoups	Walker
Valentine			

**Absent or not voting were: Senators**

Buttars	Dmitrich	Evans	Knudson
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**S.B. 120, GOVERNOR'S RURAL PARTNERSHIP BOARD AMENDMENTS**, was read the second time. Senator Hatch explained the bill. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were: Senators**

Arent	Bell	Bramble	Christensen
Davis	Eastman	Fife	Goodfellow
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Killpack	Madsen
Mansell	Mayne	McCoy	Peterson
Stephenson	Thomas	Waddoups	Walker
Valentine			

**Absent or not voting were:** Senators

Buttars

Dmitrich

Evans

Knudson

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**S.B. 45, OIL AND GAS CONSERVATION ACCOUNT AMENDMENTS,** was read the second time.

On motion of Senator Davis, the bill was circled.

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**S.B. 111, WATER CONSERVANCY DISTRICT AMENDMENTS,** was read the second time. Senator Hatch explained the bill. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Arent

Bell

Bramble

Christensen

Eastman

Fife

Goodfellow

Hale

Hatch

Hellewell

Hickman

Hillyard

Jenkins

Killpack

Madsen

Mansell

Mayne

McCoy

Peterson

Stephenson

Thomas

Waddoups

Walker

Valentine

**Absent or not voting were:** Senators

Buttars

Davis

Dmitrich

Evans

Knudson

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**S.B. 51, DRIVING WITH A CONTROLLED SUBSTANCE IN THE BODY – AMENDMENTS,** was read the second time. Senator Walker explained the bill. Senators McCoy, Madsen, and Valentine commented. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Arent

Bell

Bramble

Christensen

Davis

Eastman

Fife

Goodfellow

Hale

Hatch

Hellewell

Hickman

Hillyard

Jenkins

Killpack

Madsen

Mansell	Mayne	McCoy	Peterson
Stephenson	Thomas	Waddoups	Walker
Valentine			

**Absent or not voting were:** Senators

Buttars	Dmitrich	Evans	Knudson
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**1st Sub. S.B. 41, RESTRICTIONS ON USE OF PHYSICIAN DISCLOSURES**, was read the second time. Senator Thomas explained the bill. Senators Walker, Christensen, Hillyard, and Arent commented. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 2; Absent, 2.**

**Voting in the affirmative were:** Senators

Bell	Bramble	Christensen	Davis
Dmitrich	Eastman	Evans	Fife
Goodfellow	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Killpack
Madsen	Mansell	Mayne	Peterson
Stephenson	Thomas	Waddoups	Walker
Valentine			

**Voting in the negative were:** Senators

Arent	McCoy
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**Absent or not voting were:** Senators

Buttars	Knudson
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On motion of Senator Dmitrich, the circle was removed from **S.B. 34, GROSS RECEIPTS TAX AMENDMENTS, REPEAL AND PUBLIC UTILITY TARIFFS**, and it was before the Senate. Senator Dmitrich explained the bill.

Senator Dmitrich proposed the following amendment:

1. Page 4, Lines 104 through 116

104     (2) An electrical corporation shall:

105     (a) file new tariffs with the commission on or before  
       { ~~September 1~~ }     July 31 , 2006   as part of its 2006 general  
       rate case revenue requirement :

106 (i) reflecting the decrease in the electrical corporation's rates as  
 107 a result of the repeal of

107 the gross receipts tax by this bill; and

108 (ii) spreading the amount of the decrease described in  
 109 Subsection (2)(a)(i) among all

109 classes of the electrical corporation's customers on the same basis  
 110 that the gross receipts tax

110 was allocated to each class of the electrical corporation's customers  
 111 under the rates { ~~in effect on~~

111 June 30, 2006; and } effective on the day on which the rates  
 112 determined by the commission take effect under the electrical  
 113 corporation's 2006 general rate case filed on or before September 1,  
 114 2006; and

112 (b) on or before the day on which the electrical corporation files  
 113 new tariffs with the

113 commission under Subsection (2)(a), file with the commission a  
 114 complete report of the

114 calculation of the allocation required by this section.

115 { ~~(3) The tariffs required to be filed with the commission~~  
 116 under Subsection (2)(a) take

116 effect as provided in Section 54-7-12. }

2. Page 6, Lines 166 through 167:

166 Section 6. Effective date.

167 (1) Except as provided in Subsection (2),  
 168 this { ~~This~~ } bill takes effect on July 1, 2006.

(2) The amendments to Section 54-7-12.9 and the repeal of Title  
 59, Chapter 8a, Gross Receipts Tax on Electrical Corporations Act, take  
 effect on the later of:

(a) July 1, 2006; or

(b) the day on which the rates determined by the commission take  
 effect under the electrical corporation's 2006 general rate case filed on or  
 before September 1, 2006.

Senator Dmitrich's motion to amend passed on a voice vote.

###

Senator Hillyard proposed the following amendment:



## 1. Page 5, Lines 144 through 146

144 ~~[(1) For taxable years beginning]~~ (1) Beginning on or after  
 145 July 1, ~~[1996]~~ 2006, and subject

146 to Section 11–13–303, an in lieu excise tax is imposed on the gross  
 receipts of a taxpayer

146 engaging in business in the state of Utah in each taxable year as  
 follows:

## 2. Page 5, Line 147 through Page 6, Line 156:

147	Gross Receipts Amount	Rate of Tax
148	Not in excess of \$10,000,000	None
149	In excess of \$10,000,000 but not	
150	in excess of \$500,000,000	<del>[.8613%]</del> <u>.6250%</u>
151	In excess of \$500,000,000 but not	
152	in excess of \$1,000,000,000	<del>[1.3214%]</del> <u>.9375%</u>
153	In excess of \$1,000,000,000	<del>[1.7520%]</del> <u>1.2500%</u>

154 ~~[(2) A taxpayer subject to the in lieu excise tax under Subsection~~  
 (1) is not required to

155 ~~pay the tax imposed under Title 59, Chapter 8a, Gross Receipts Tax~~  
 on Electrical Corporations

156 ~~Act.]~~

(2) It is the intent of the Legislature that, as a result of the tax rate  
 decrease provided in Section 59–8–104 of this bill, all or a portion of any  
 cost decrease received by a taxpayer as a result of the tax rate decrease be  
 used in whole or in part for expenditures, scholarships, or grants that will  
 benefit the citizens of this state.

## 3. Page 6, Lines 168 through 172:

168 Section 7. Revisor instructions.

169 It is the intent of the Legislature that, in preparing the Utah Code  
database for

170 publication, the Office of Legislative Research and General  
Counsel shall replace the {–reference } references

171 in Subsections 54–7–12.9(1)(a)(ii) a {–and } (2)(a)(i) a  
and Subsection 59–8–104(2) from “this bill” to the bill’s designated  
section and chapter

172 number in the Laws of Utah.

Senator Hillyard’s motion to amend passed on a voice vote. Senators Waddoups and Valentine commented. The bill passed second reading on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Arent	Bell	Bramble	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Killpack
Knudson	Madsen	Mansell	Mayne
McCoy	Peterson	Stephenson	Thomas
Waddoups	Walker	Valentine	

**Absent or not voting were:** Senators

Buttars	Evans
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On motion of Senator Knudson and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Thursday, January 26, 2006.

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